

FACTSHEET

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 05007, by the Director of Planning at the request of J. Michael Rierden on behalf of Lincoln Federal Savings Bank, to amend the 2025 Lincoln/Lancaster County Comprehensive Plan for a change from Priority B of Tier I to Priority A of Tier I, generally located between NW 70th and NW 56th Street, from W Superior to W Adams Street.

STAFF RECOMMENDATION: Denial.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 05/18/05
Administrative Action: 05/18/05

RECOMMENDATION: Denial (6-0: Carlson, Sunderman, Krieser, Larson, Carroll and Bills-Strand voting 'yes'; Pearson and Taylor absent).

FINDINGS OF FACT:

1. The staff recommendation to **deny** this proposed amendment is based upon the "Status/Description" and "Comprehensive Plan Implications" as set forth on p.2-5, concluding that this area is not being planned for full services by the year 2014 and thus does not meet the definition of Priority A. The community already has limited funds to serve the land already designated as Priority A in the Plan; the 2005 draft CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and fire station improvements. If any of these financing mechanisms are not approved or available, then improvements and services to Priority A areas will be further delayed; and it is important that the community move toward the goal of concurrency in improvements — providing utilities to an area in one year, with roads, schools, fire protection and parks lagging years afterward provides citizens with poor service and is contrary to the goals of the Plan. During the public hearing, the Planning staff clarified that it is not the sewer that is the concern for inclusion in Priority A, but the water and the roads.
2. The minutes of the Planning Commission public hearing and action are found on p.7-8.
3. Testimony by Michael Rierden, the applicant's representative, is found on p.7. The additional information submitted by Mr. Rierden is found on p.23-24.
4. There was no testimony in opposition.
5. On May 18, 2005, the Planning Commission agreed with the staff recommendation and voted 6-0 to recommend **denial** (See Minutes, p. 7-8).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: June 6, 2005

REVIEWED BY: _____

DATE: June 6, 2005

REFERENCE NUMBER: FS\CC\2005\CPA.05007

2005 COMPREHENSIVE PLAN ANNUAL REVIEW

Comprehensive Plan Amendment No. 05007

N. W. 70th & West Superior:
Change from Priority B to Priority A

Applicant	Location	Proposal
J. Michael Rierden for Lincoln Federal Savings	N. W. 56 th to N. W. 70 th from West Adams to West Superior Street	Change from Priority B to A land between N. W. 56 th to N. W. 70 th from West Adams to West Superior Street
Recommendation: Denial		

Status/Description

This request is a change from Priority B to A approximately 480 acres of land between N. W. 56th to N. W. 70th from West Adams to West Superior Street. In reviewing this application the entire 600 acres within the section was evaluated as part of this application. The land to the east of this application is in the city limits, with a small area of Priority A located south of West Adams Street. The remaining land north, west and south is designated as a Tier III growth area, for development beyond the planning period (50 years) – since these areas are difficult to serve with water service and they are near the top of the ridge of this drainage basin.

The application for Lincoln Federal Savings Bank only includes approximately the western 3/4 (480 acres) of the area from a quarter mile west of N.W. 56th to N. W. 70th Street, from West Adams to West Superior Street. The eastern 1/4 (120 acres) was **not** included in the application but was added to the review since it would **not** be logical to leave this area as Priority B, if the area to the west were changed to Priority A. Thus, the following review is of the entire, roughly square mile area. This request was submitted for the 2004 Comprehensive Plan Annual Review, but was withdrawn prior to Planning Commission public hearing.

Comprehensive Plan Implications

The Comprehensive Plan states the following about priority areas on page F 29:

“Top Priority Area

Area generally within the city limits at the beginning of the planning period. There are still significant infrastructure needs within the existing city and areas currently under development. Some larger projects, such as Antelope Valley, will be ongoing throughout the planning period and will require significant infrastructure resources.

Priority A of Tier I

Areas designated for near term development are generally contiguous to existing development and should be provided with basic infrastructure within 12 years of the adoption of the plan. Some of the infrastructure required for development may already be in place. This area includes some land already annexed, but is still undeveloped and without significant infrastructure. Areas with this designation are the next priority for infrastructure programming. Some infrastructure improvements may be done

in the near term while others, such as road improvements that are generally more costly, may take longer to complete.

Priority B of Tier I

The next area for development beyond Priority A, which currently lack almost all of the infrastructure required to support development. In areas with this designation, the community will maintain present uses until urban development can commence. Infrastructure improvements to serve this area will not initially be included in the City's CIP, but will be considered in the long term capital improvement planning of the various city and county departments."

The Comprehensive Plan then addresses how the priority areas are to be used to guide infrastructure financing and utility planning. In particular, on page F 29 and 30 the Plan states:

"The principles for prioritization and the individual priority areas are described as follows:

- *The top priority for the City's CIP is to maintain existing infrastructure, provide for new neighborhood improvements and to complete needed improvements for areas already under development...*
- *In order to implement the Plan Vision, infrastructure should generally be provided in different directional growth areas, depending upon limited financial resources and if there is development interest in the area...*
- *Funds for improvements in new major drainage basins to the southwest and to the east should provide the opportunity for development to begin in these areas within the next 12 years.*
- *Generally, adequate infrastructure improvements should be completed in all Priority A areas where there is development interest prior to beginning infrastructure in Priority B areas.*
- *It is anticipated that there may be some unique circumstances to **warrant consideration of development of land in Priority B**, prior to the full completion of improvements in Priority A. The community will consider development in a sub-basin in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:*
 - 1) *the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,*
 - 2) *the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.*
 - 3) *the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,*
 - 4) *there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule."* (Emphasis added)

Technically, the applicant is not asking for improvements in Priority B to be done prior to Priority A, as stated above. In this amendment the applicant is only requesting this area be added to Priority A. However, the applicant has stated that if this proposal is approved, Lincoln Federal Savings intends to work with the City on further details of how development on the 160 acres on the southeast corner of N. W. 70th and West Superior might be funded within

six-year Capital Improvement Program. Thus, it is worth considering the four criteria mentioned in the Plan in regards to this proposal for a change from Priority B to A:

- 1) The land as a whole is contiguous to the city. However, the Lincoln Federal Savings land is **not** contiguous to the city and the land in-between is not seeking annexation at this time.
- 2) The City has contacted other agencies for comments on service implications of this proposal. There are significant water and arterial street improvements needed to serve these 600 acres, which are not in the infrastructure financing plans for the next 6 to 10 years.

Wastewater: Public Works and Utilities notes that downstream improvements are required prior to development on this site. Wastewater is currently undertaking a study for the entire Oak Creek drainage basin. The outcome of this study will develop a timetable for future new infrastructure construction and improvements to existing wastewater deficiencies. The study is scheduled to be complete by Fall of 2005. The draft 2005 CIP proposes completion of these improvements in 2009. However, the financing of these improvements are based on rate increases over the next six years. Service to this site will be from an existing 21 inch sewer line built to serve this area more than two decades ago.

Water: Public Works and Utilities states that “the areas of proposed development of elevation 1,280 feet cannot be served by the existing system and requires a booster pump.” The required 16 inch mains to serve this area are not in the draft 2005 CIP. The financing of the improvements in the draft 2005 CIP are based on rate increases over the next six years. In 2005 dollars, the necessary water improvements to serve the applicants property comprises 3 miles of 16 inch mains and several miles of 12 inch mains built in conjunction with the development to provide adequate looping and service, which is estimated at over \$1.8 million.

Lincoln Water is participating with other Public Works divisions in the design of the roadway paving in West Adams Street from NW 48th to NW 63rd which includes the design of the 16 inch water mains, so it can be built in the right location whenever funding becomes available to construct the arterial street.

Arterial Streets: Street improvements for the majority of this area are **not** identified for construction in the next 9 years. Even the roads shown in the draft 2005 CIP will require substantial new funding in order to be built. For this area, needed improvements not included in the CIP are as follows:

- ▼ N.W. 70th from West Adams to West Superior Street;
- ▼ West Adams from N.W. 48th to N.W. 70th Street; and,
- ▼ Huskerville Link: West Superior, N.W. 70th to N.W. 56th to West Cuming to N.W. 48th Street (a general route was studied and approved as part of the recently adopted Airport West Subarea Plan)

Currently, both N.W. 70th and West Superior are minimum maintenance rural dirt roads. Public Works note that the County Engineer is currently engineering to grade both NW 70th Street and West Superior to an improved gravel surface and a 2+1 cross section. The city is currently working on the designs for upgrading West Adams and NW 56th Streets but does not have these roadway improvements identified in the draft 2005 Capital Improvement Program.

Public Works does not support this amendment due to the insufficient urban roadway facilities within this area and the lack of available funding at this time to provide these facilities.

Schools: This land is already designated as residential and Arnold Elementary School is located to the east. Lincoln Public Schools is also considering building a K-8 school potentially in the near term if a bond issue is approved, that could serve this site. Accelerating the pace of residential development may impact the timing for the need for the new middle /elementary school.

In the recently adopted Airport West Subarea Plan, a preferred location west of NW 56th and south of West Adams is identified for a potential joint-use facility, that is under consideration with Lincoln Public Schools, Lincoln Parks and Recreation, Lincoln City Libraries, Lincoln Housing Authority, and other agencies

The applicant notes “...we have been in discussions with the Lincoln Public Schools for a site at this location.”

Parks: A new neighborhood park was added to the Comprehensive Plan for this square mile, with the adoption of the recently approved Airport West Subarea Plan.

Fire: The Comprehensive Plan on page F 130 notes that “*the relocation of Station #11 – currently located in Lincoln Air Park West – to a site closer to the Arnold Heights neighborhood is being considered to enhance the response time to the area.*”

- 3) None of these departments addressed the impact this proposal might have on operating budgets.
- 4) The applicant has stated that this proposal would “..be affordable housing with a variety of housing choices.” The application further noted that “..the sanitary sewer which already extends to the site.”

The Plan also contains a “concurrency policy” on page F 154 that states:

“Public infrastructure — including roads, water, sewer, parks, schools, libraries — is essential to the health, safety and welfare of the community. As the community grows, it is desirable that these systems and facilities be developed concurrently, — that is, at the same time— with that growth.”

Conclusion

In regards to the request to change from Priority B to A, the basic questions are does this land meet the definition of the Priority A, and will including it as Priority A negatively impact the City’s infrastructure plans. In general the are proposed area does **not** meet the criteria for designation to Priority A, and should be **denied**.

1. Given utility planning and infrastructure financing plans is the land serviceable by 2014?

No, given current infrastructure plans and financing, this area is not being planned for full services by the year 2014. The area does **not** meet the definition of Priority A since it will not be provided with basic infrastructure within the period ending in 2014. Some improvements may done in the near term (downstream wastewater by 2009),but water and roads improvements are not identified in the six-year draft 2005 CIP.

2. Will the Priority A designation negatively impact the community’s infrastructure plans?

Yes, serving this 600 acres given the limitations on funding means that in order to serve this area, infrastructure to serve other areas would have to be delayed. Major infrastructure items required to serve this area are not identified in the draft 2005 CIP.

Denial of this amendment, at this time, is also based on the fact that:

- ▼ The community already has limited funds to serve the land already designated as Priority A in the Plan,
- ▼ The 2005 draft CIP is based on numerous water and sewer rate increases, new financing sources for the arterial streets, continued revenue from impact fees, and approval of general obligation bonds to pay for watershed, park and fire station improvements. If any of these financing mechanisms are not approved or available, then improvements and services to Priority A areas will be further delayed, and
- ▼ It is important that the community move toward the goal of concurrency in improvements — providing utilities to an area in one year, with roads, schools, fire protection and parks lagging years afterward provides citizens with poor service and is contrary to the goals of the Plan.

Prepared by

Duncan Ross, AICP dross@lincoln.ne.gov
Planning Department, (402) 441-7603

Prepared April 27, 2005

COMPREHENSIVE PLAN AMENDMENT NO. 05007

PUBLIC HEARING BEFORE PLANNING COMMISSION:

May 18, 2005

Members present: Carlson, Sunderman, Krieser, Larson, Carroll, and Bills-Strand (Taylor and Pearson absent).

Staff recommendation: Denial.

Ex Parte Communications: None.

Proponents

1. Mike Rierden appeared on behalf of **Lincoln Federal Savings Bank of Nebraska**. Back in 2002, Ken Svoboda and Larry Hudkins asked for an amendment to the Comprehensive Plan to designate this property as Tier I on behalf of the then owner Jim Chambers. Rierden was not part of that proposal, but he does not believe there was much thought as to Priority A or B at that time. Their goal was to get this property into the first half of the 2025 Comprehensive Plan timetable for near term development.

Rierden's client is fully aware of the infrastructure needs in this particular area and staff does a good job of outlining those in the staff report. Rierden and his clients are confident that they can utilize the existing sewer that has been there for a number of years; and they are aware of the fact that water is in close proximity but it will take time, effort and money to get it there. They are fully aware of the street issue and have been working with Lincoln Public Schools, which is interested in a site in this area, along with the NRD, who is planning some flood control improvements in the area. The owners are willing to sit down with Planning and the other departments to talk about how we get the infrastructure to this particular area and how it is paid for. The owners are willing to pay their fair share for the extension of the infrastructure. This would have a positive impact in the area because there is a need for affordable housing and it would add to the existing lots, which are getting slim in Lincoln.

There was no testimony in opposition.

Bills-Strand noted that she served on the Lincoln Public Schools Housing Task Force. She knows that they are looking at this area as one that provides a lot of affordable housing. Can they easily connect into the sewer and develop this area if they are willing to pay? Duncan Ross of Planning staff believes the staff report outlines that the sewer is not the contention or the infrastructure element, it is the roads and the water which shall be a substantial public cost that need to be added to the infrastructure. The sewer line is in the ground in close proximity. There are downstream improvements that need to be completed prior to the development of this area. The sewer is not the concern for including this area in Priority A. It is the water and the roads, and the city is significantly lacking financing for both.

ACTION BY PLANNING COMMISSION:

May 18, 2005

Carroll moved to deny, seconded by Sunderman.

Bills-Strand believes it is an area for a lot of good affordable housing and is hopeful that we can look at it down the road for infrastructure financing.

Motion to deny carried 6-0: Carlson, Sunderman, Krieser, Larson, Carroll and Bills-Strand voting 'yes'; Taylor and Pearson absent. This is a recommendation to the City Council and the Lancaster County Board.

NW 70TH ST

Tier III

NW 56TH ST

NW 48TH ST

W SUPERIOR ST






Tier III

W ADAMS ST

Tier III

NW 70th & W Adams St

Proposed Amendment 05007

-  Future Service Limit
-  Priority Area Boundary
-  Priority Designation
-  Additional Area For Consideration From Priority B to Priority A
-  Applicant Proposal From Priority B to Priority A



009

J. Michael Rierden
ATTORNEY AT LAW

THE COTSWOLD
646 "M" STREET
SUITE 200
LINCOLN, NE 68508

TELEPHONE (402) 476-2413
TELECOPIER (402) 476-2948

January 26, 2005

Lincoln-Lancaster County Planning Department
Att: Marvin S. Krout, Planning Director
555 South 10th Street
Lincoln, Nebraska 68508

JAN 26 2005

RE: Amendment to Comprehensive Plan-2005

Dear Mr. Krout:

Please consider this letter a request for consideration of an amendment to the Lincoln/Comprehensive Plan concerning property located generally at Northwest 70th and West Superior Streets. I specifically ask that it encompass the area outlined in green on the attached map be designated Tier I Priority A growth area. The area to be included is generally bounded by Northwest 70th on the west, approximately one-half mile west of Northwest 56th Street (Northwest 63rd Street) on the east, West Adams Street on the south and West Superior Street on the north.

First of all, I would ask that the request encompass the following described area, to-wit:

As shown on the attached map (outlined in green), add 320 acres to the City of Lincoln Tier I Priority A growth area. The area to be included is generally bounded by Northwest 70th on the west, approximately one-half mile west of Northwest 56th Street (Northwest 63rd Street) on the east, West Adams Street on the south and West Superior Street on the north.

In response to your "Required Questionnaire" I have the following comments, to-wit:

1. Provide a detailed description and explanation of the proposed amendment. Include the element in brackets, (Land use, transportation, etc.) to be amended. (Please attach map and legal description if proposal is for a specific track of land.)

RESPONSE: As indicated above, I have submitted a map showing the area in question. The lot numbers/irregular tract numbers are shown on said map. The following are the elements/portions of the Comprehensive Plan that we would anticipate being amended.

Tier I-Priority Areas Map to show as Tier I Priority A

JAN 26 2005

Lincoln-Lancaster County Planning Department
January 26, 2005
Page 2

Future City of Lincoln Water Pressure Zones Map-show as part of "Belmont Pressure Zone"

Distribution Improvements for the Lincoln Water System-show improvements indicated on attached Map

City of Lincoln Long Range Waste Water Facilities Alternatives Map-show improvements indicated on attached Map

Future Functional Classification: City Streets Map-show changes as indicated on attached Map

Future Functional Classification: County Roads Map-show changes as indicated on attached Map

Projects and Studies: Lincoln Area Street and Roadway Improvements 2025 Map-show improvements indicated on attached and update "Proposed Projects" list to include a study for roadway alternatives for connecting Northwest 70th and 48th Streets in the general location of West Superior Street

Right of Way Standards Map-show changes as indicated on attached Map

Tiers I and II Right of Way Map-show changes as indicated on attached Map

2. Describe how the proposal is currently addressed in the Comprehensive Plan. If the issue is not adequately addressed, describe the need for it.

RESPONSE: The Comprehensive Plan (F 17) states as follows:

"Lincoln's future urban growth should generally occur in multiple directions around the existing city. It will continue to have managed and contiguous growth."

Lincoln has experienced significant growth both to the north and south. This proposal will provide for future growth to the west. As I indicated to you in my previous correspondence the portion of the proposal owned by Lincoln Federal is anticipated to be affordable housing with a variety of housing choices. The Comprehensive Plan (F 18) states as follows:

"Affordable housing should be distributed throughout the region to be near job opportunities and to provide housing choices within every neighborhood."

JAN 26 2005

Additionally, the Comprehensive Plan (F 18) encourages elementary and middle schools to be sized and located to enable children to walk or bicycle to school. As indicated in my first letter we have been in discussions with the Lincoln Public School System and have shown a potential site on the Concept Map previously submitted

3. What do you anticipate what will be the impacts caused by the proposal, including the geographic area affected and the issues presented? Why will the proposed change resulted in that benefit community? If not, what type of benefit can be expected and why?

RESPONSE: The anticipated impacts of this proposal will be that provisions will need to be made to extend utilities to this area with the exception of the sanitary sewer which already extends to the site as shown on page F-77 of the Comprehensive Plan. We anticipate making a request that the area be designated in the 1 to 6 year CIP. Additionally, in accordance with the "Greenprint Challenge" (F 57) of the Comprehensive Plan we will be making green space an open areas an integral part of the development along with early identification of areas to be preserved (ie. wetlands, riparian areas, etc.). It is my belief that this proposal will benefit the community by providing more housing types and fulfills the guiding principals of the urban environment by providing urban growth in an area which has not had a significant amount of growth in the last 20 years.

4. How would the proposed change comply with the community vision statement, goals, principals, and policies of the Comprehensive Plan?

RESPONSE: The proposal complies with the community vision statement of the Comprehensive Plan (U 1-2) in that future development of this area will increase the tax base which will, in turn, preserve the quality of life and insure quality services to a residential addition.

5. Is there public support for this proposed text amendment?

RESPONSE: Although this is not a text amendment our market studies have indicated to us that there is a need for housing of all types in the area and especially affordable housing.

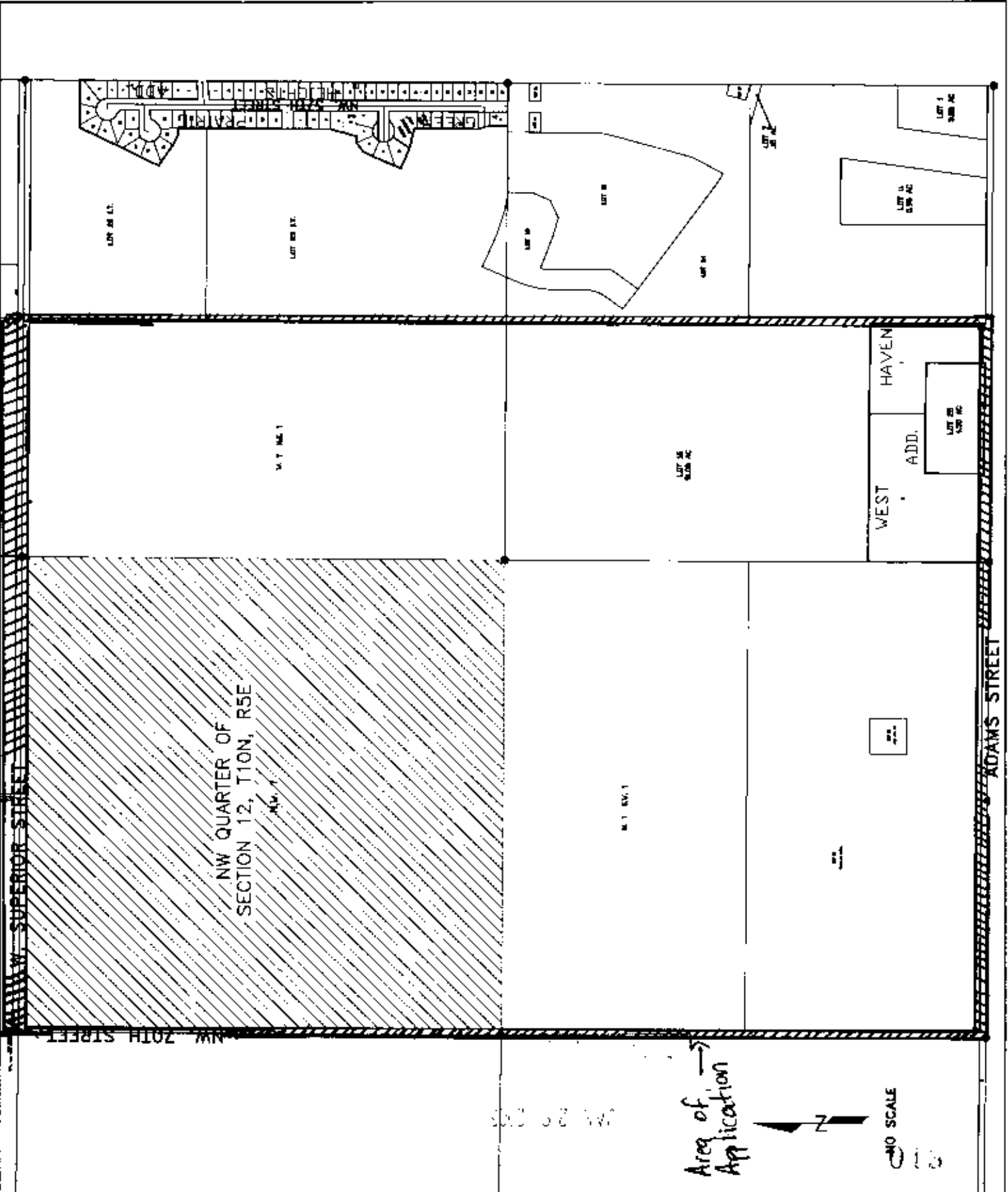
If you should have any questions or need any additional information please feel free to contact me.

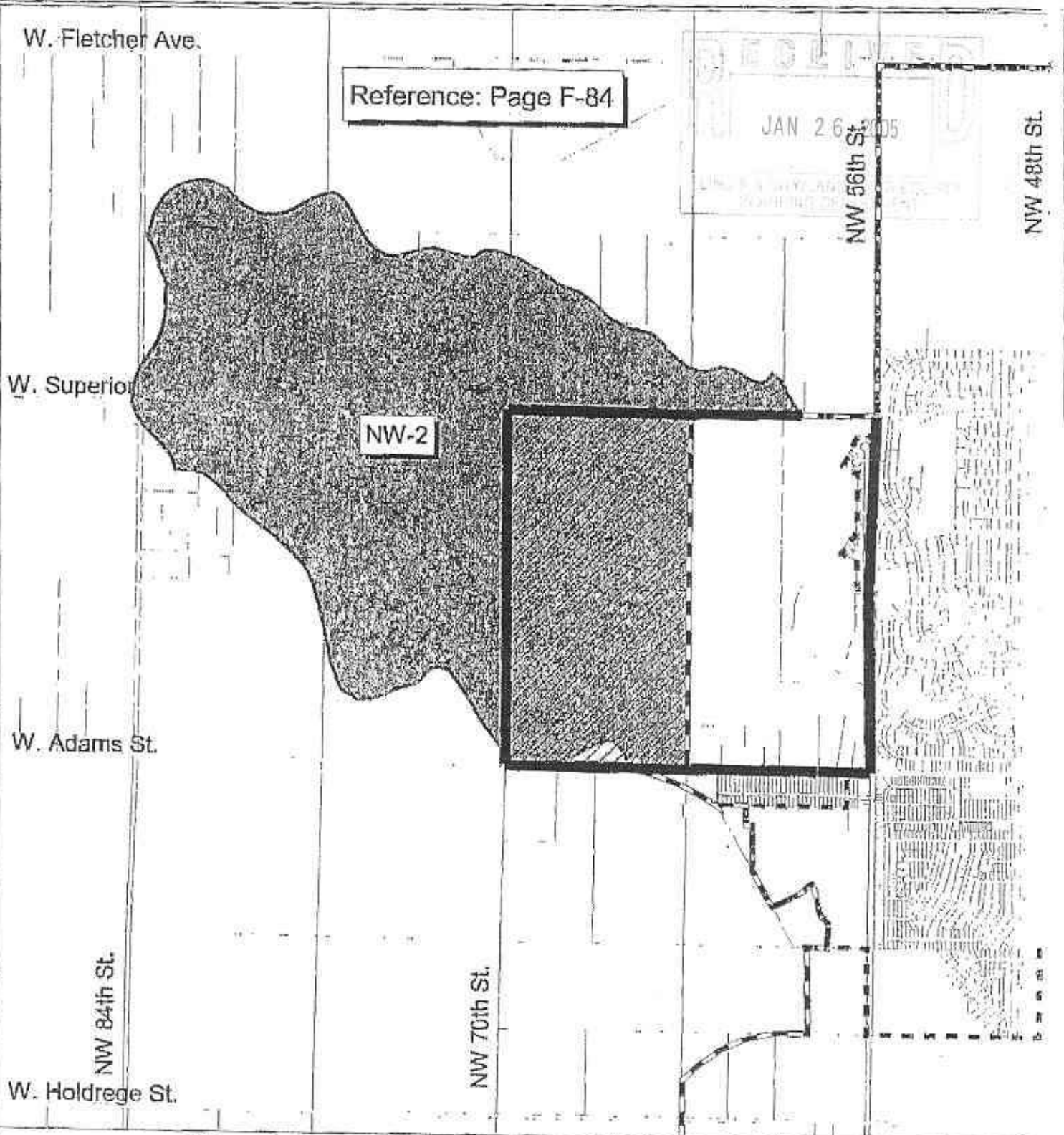
Yours very truly,

J. Michael Rierden

JMR/jdr

012





Northwest Lincoln Amendment Request to Future Service Limit Distribution Improvements for the Lincoln Water System

- Prop. 16"
- Amendment Request to Future Service Limit
- NW-2

City Limits

Future Service Limits



N. Fletcher Ave.

Reference: Page F-85

JAN 26 2005

NW 56th St.

NW 48th St.

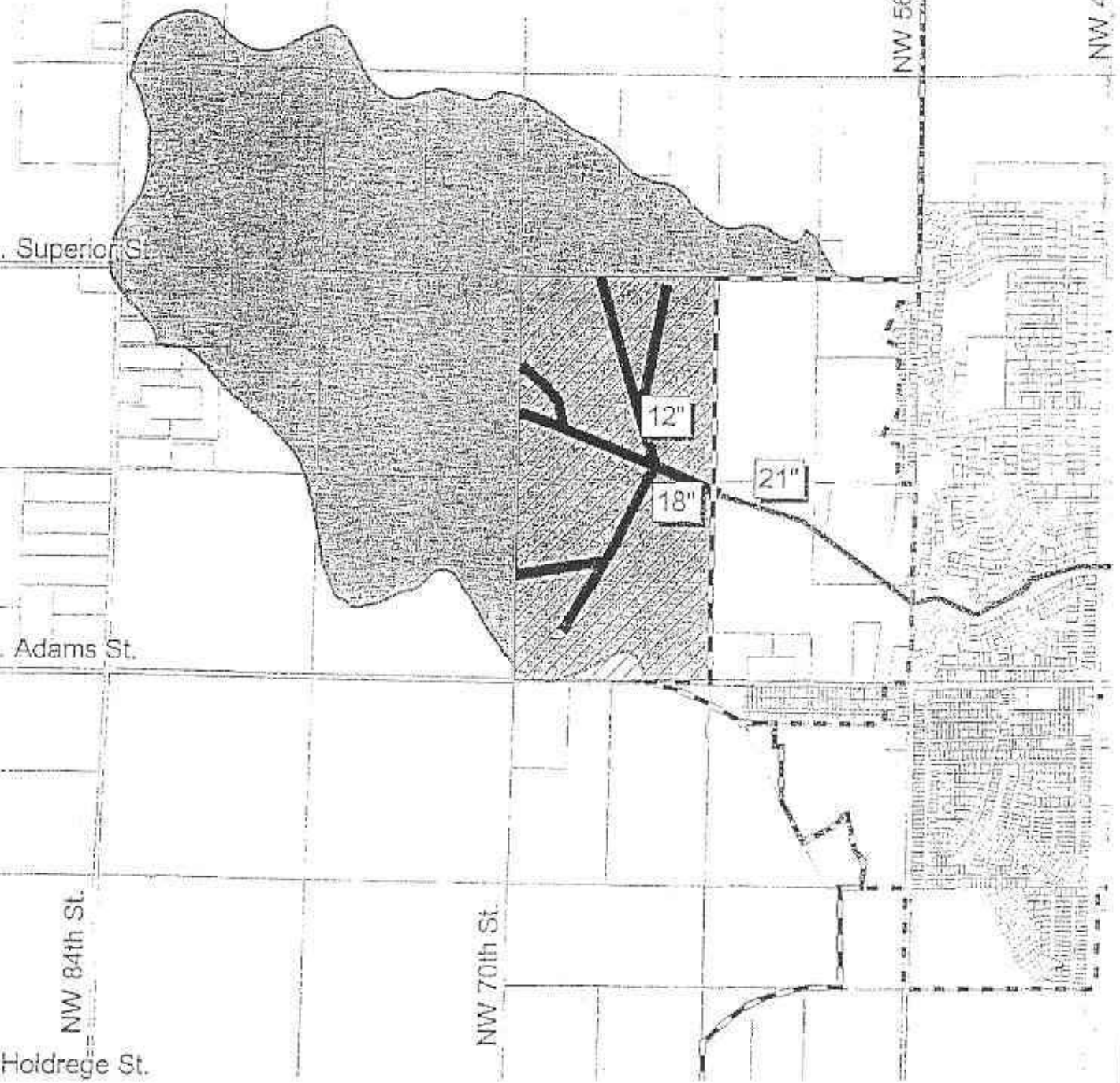
Superior St.

Adams St.

NW 84th St.

NW 70th St.

Holdrege St.

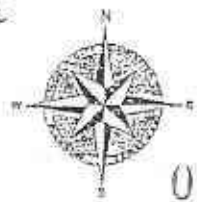


Northwest Lincoln Amendment Request to Future Service Limit

City of Lincoln Long Range
Wastewater Facility Improvements

- ✓ Exist. Wastewater
- ✓ Prop. Wastewater Main
- ▨ Amendment Request to Future Service Limit

City Limits



024

015

0 1000 2000 Feet

N. Fletcher Ave.

Reference: Page F-111

JAN 6 2005

NW 56th St

NW 48th St

Superior

Adams St.

NW 84th St

NW 70th St

Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

Future Functional Classification: City Streets

Urban/Rural Minor Arterial

Amendment Request to
Future Service Limit



City Limits

Future Service Limits



025

0 1000 2000 Feet

016

016

RECEIVED

V. Fletcher Ave.

Reference: Page F-112

JAN 22 2003

NW 56th St.

NW 48th St.

Superior

Adams St.

NW 84th St.

NW 70th St.

Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

Future Functional Classification: County Roads

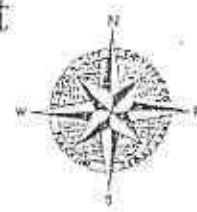
Urban/Rural Minor Arterial

Amendment Request to Future Service Limit

City Limits
Future Service Limits

026

0 1000 2000 Feet



017

017

W. Fletcher Ave.

Reference: Page F-113

JAN 26 2005

NW 56th St.

NW 48th St.

W. Superior St.

W. Adams St.

NW 84th St.

NW 70th St.

W. Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit Projects & Studies



2+1



4+1



Amendment Request to
Future Service Limit

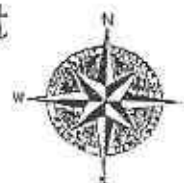


NW-2



City Limits

Future Service Limits



0 1000 2000 Feet

013

W. Fletcher Ave.

Reference: Page F-120

JAN 28 2005
LINCOLN PLANNING DEPARTMENT
LINCOLN PLANNING DEPARTMENT

NW 56th St

NW 48th St

N. Superior St

N. Adams St

NW 84th St

NW 70th St

N. Holdrege St

Northwest Lincoln Amendment Request to Future Service Limit

Right of Way Standards

120' ROW

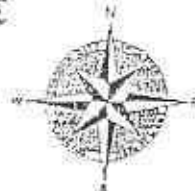
Amendment Request to
Future Service Limit

NW-2



City Limits

Future Service Limits



029

019

0 1000 2000 Feet

W. Fletcher Ave.

Reference: Page F-121

JAN 26 2005

LINCOLN CITY LAND USE
PLANNING DEPARTMENT

NW 56th St.

NW 48th St.

N. Superior

W. Adams St.

NW 84th St.

NW 70th St.

W. Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

Tiers I & II Right of Way

029

120' ROW

Amendment Request to
Future Service Limit

NW-2



City Limits

Future Service Limits



0 1000 2000 Feet

020

W. Fletcher Ave.

Reference: Page F-84

JAN 2 2005

NW 56th St.

NW 48th St.

W. Superior

NW-2

W. Adams St.

NW 84th St.

NW 70th St.

W. Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit Distribution Improvements for the Lincoln Water System



Prop. 16"



Amendment Request to
Future Service Limit



NW-2



City Limits

Future Service Limits



0 1000 2000 Feet

RECEIVED
JAN 26 2003

N. Fletcher Ave.

NW 56th St.

NW 48th St.

Superior St.

NW-2

Adams St.

NW 84th St.

NW 70th St.

Holdrege St.

Northwest Lincoln Amendment Request to Future Service Limit

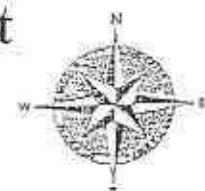


Amendment Request to
Future Service Limit
NW-2



City Limits
Future Service Limits

0 1000 2000 Feet



022

022

MEMORANDUM

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TO: Ken Svoboda, City Council
Darrell Podany, City Council Office

FROM: Duncan Ross, Planning *DR*

SUBJECT: NW 70th and West Superior

DATE: June 11, 2003

COPIES: Mayor Seng
City Council
County Board
Allan Abbott, Public Works
Roger Figard, Steve Master, Public Works
Marvin S. Krout, Planning
Kent Morgan, Steve Henrichsen, Planning

This memorandum is in response to a request for information from Darrell Podany, on behalf of Ken Svoboda, dated June 4, 2003. This request is for information regarding the current designation of property located in an area generally between NW 70th and a ½ mile to the east, West Adams Street on the south and West Superior Street on the north, comprising about 320 acres. This property was included as an amendment at the time of adoption of the 2025 Comprehensive Plan by the City Council and County Board on May 28, 2002.

Background: Amendment Request #11 to the April 3, 2002 draft of the Comprehensive Plan

The proposed amendment dated May 9, 2002 along with the accompanying text and maps attached. This proposal was requested by Ken Svoboda and Larry Hudkins on behalf of Jim Chambers and the Arnold Heights Neighborhood Association. The amendment language was distributed to the requesting individuals and/or representative for approval prior to submittal to the City Council on May 24, 2002.

The request only included adding this property to the Tier I growth area. No specific land uses, phasing or timing, water system improvements, wastewater facilities, road functional classifications, right-of-way standards and street improvement projects were

part of the amendment. Upon review, City staff identified and added the necessary amendment language. One of these specific amendments included designating the property as Tier I, Priority B. Each amendment to the April 3, 2002 draft Comprehensive Plan was individually reviewed and agreed upon by the City-County Common. The City Council then voted 7-0 to adopt the amendment as a package.

Current Status

As a result of the adoption of the 2025 Comprehensive Plan on May 28, 2002, the property was included within the future service limit and is designated urban residential on the future land use plan. The property is identified as Tier I, Priority B, meaning infrastructure improvements are planned for the 2nd half of the 25 year planning period.

The 2025 Comprehensive Plan identifies a number of conditions that must be met, to warrant consideration of development of land in Priority B, prior to the full completion of improvements in Priority A. On page F 30 of the Plan it states:

"The community will consider **development in a sub-basin** in Priority B areas, before completing the infrastructure in Priority A areas, if all of the following conditions are met:

- 1) the project is contiguous to the City and proposed for immediate annexation, and is consistent with principles of the Comprehensive Plan,
- 2) the developer provides information demonstrating how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.
- 3) the impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed,
- 4) there is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule."

If you need any further information please contact me at 441-7603.

I:\CPI\Response to Darrell Podany memo 061103.wpd

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